

ACF Administration for Children and Families	U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES	
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	4. Key Word: Background Checks	

PROGRAM INSTRUCTION:

TO: Head Start and Early Head Start Grantees and Delegate Agencies

SUBJECT: Background Checks

INSTRUCTION:

As you know, on December 12, 2007 the President signed a bill reauthorizing the Head Start program. Section 648A.(g) of the new Head Start Act requires that before a Head Start agency employs an individual, the agency shall--

- (1) conduct an interview of such individual;
- (2) verify the personal and employment references provided by such individual; and
- (3) obtain--
 - (A) a State, tribal, or Federal criminal record check covering all jurisdictions where the grantee provides Head Start services to children;
 - (B) a State, tribal, or Federal criminal record check as required by the law of the jurisdiction where the grantee provides Head Start services; or
 - (C) a criminal record check as otherwise required by Federal law.

These requirements are very similar to current regulatory requirements found in 45 CFR Part 1301.31(b).

Despite the new statutory requirement and the long standing regulatory requirement, the Office of Head Start has determined through monitoring reviews that several Head Start programs have not conducted background checks on some or all of their Head Start staff. Every Head Start program is required to assure background checks have been conducted on all Head Start employees. If there are any employees for whom background checks have not been conducted, they must be done immediately. Any Head Start grantee found not to have conducted background checks for all of its permanent Head Start employees will be designated a deficient grantee.

Head Start serves some of our nation's most vulnerable children. All Head Start programs have an obligation to ensure that they are not hiring individuals who could pose a threat to the safety of enrolled children but rather that they are hiring individuals well suited to work with young children and their families.

Please direct any questions on this Program Instruction to your OHS Regional Office.

/s/

Patricia E. Brown
Acting Director
Office of Head Start